THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.1242 of 2007

Between:

Kankipati Mulayya.

.. PETITIONER

and

The Additional Agent to the Government
and others.

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RESPONDENTS

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ORDER:

Heard the learned counsel appearing for the petitioner as well as

the learned counsel appearing for the respondents.

It is the case of the petitioner that his father purchased the land to an extent of Ac.5-67 cents in Sy.No.238/1 of Kambalampalem, H/o.Sarabhavaram village, Devipatnam Mandal, East Godavari District, in the year 1944. After the death of his father, the petitioner by succession became the owner of the said property and he is in continuous possession and enjoyment of the said land.

While so, the 4th respondent and one Sri Chowlam Sreenivasa Dora, filed L.T.R.P.No.163 of 2004, before the 2nd respondent under Section 3(1) of A.P.Scheduled Areas Land Transfer Regulation 1/59 as amended by 1/70 for restoration of the land to the Government after ejecting the petitioner. The 2nd respondent through order, dated 30-11-2004, dismissed the case holding that the possession of the petitioner is not in contravention of Act 1/17 and as the transfer by sale order is not a transfer within the meaning of Section 2(f) of Act 1/17, and therefore the possession and enjoyment of the said land by the petitioner is not in violation of provisions of Regulation 1/59 or Act 1/17.

Aggrieved by the same, the 4th respondent filed C.M.A.No.90 of 2005 under Rule 8(1) of A.P. Scheduled Area Land Transfer Rules, 1969, before the 1st respondent. The 1st respondent through impugned order, dated 06-01-2007, allowed the appeal setting aside the order passed by the 2nd respondent in L.T.R.P.No.163 of 2004, dated 30-11-2004, and restored the said land in favour of one Chowlam Sreenivasa Dora by evicting the petitioner.

Aggrieved by the same, the petitioner filed revision before the 5th respondent, without impleading the said Sri Chowlam Sreenivasa Dora, in whose favour orders have been passed, as a party to the revision.

As the revision is pending before the 5th respondent, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the 5th respondent to dispose of the revision itself.

The writ petition is, accordingly, disposed of directing the 5th respondent to consider and dispose of the revision, as expeditiously as possible, after giving reasonable opportunity to all the concerned, including Sri Chowlam Sreenivasa Dora. Further, the petitioner shall also file an application in the pending revision for impleading the said Sri Chowlam Sreenivasa Dora, as a party to the revision. Pending revision, status-quo obtained as on today shall be maintained by both the parties. There shall be no order as to costs.

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23-01-2007

Note:
C.C. by two days
(B/o)
Prv